

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

# SENATE BILL 1259

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARTICLE 14, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-798.06; RELATING TO TOBACCO SALES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 36, chapter 6, article 14, Arizona Revised Statutes,  
3 is amended by adding section 36-798.06, to read:  
4 36-798.06. Storage and display of tobacco products; violation;  
5 classification; declaration of statewide concern;  
6 preemption; definitions  
7 A. A PERSON WHO OWNS, CONDUCTS, OPERATES OR MANAGES A BUSINESS WHERE  
8 TOBACCO PRODUCTS ARE SOLD OR WHO SELLS OR OFFERS FOR SALE TOBACCO PRODUCTS  
9 SHALL NOT STORE OR DISPLAY THESE PRODUCTS IN AN AREA OR IN A MANNER THAT IS  
10 ACCESSIBLE TO THE PUBLIC WITHOUT EMPLOYEE ASSISTANCE UNLESS THE AREA IS  
11 WITHIN THE SIGHT OR UNDER THE CONTROL OF AN EMPLOYEE DURING REGULAR BUSINESS  
12 HOURS.  
13 B. THIS SECTION DOES NOT APPLY TO THE FOLLOWING:  
14 1. A BUSINESS ESTABLISHMENT THAT DOES NOT ALLOW ENTRY BY PERSONS WHO  
15 ARE UNDER EIGHTEEN YEARS OF AGE.  
16 2. A BUSINESS ESTABLISHMENT THAT ALLOWS ENTRY BY PERSONS WHO ARE UNDER  
17 EIGHTEEN YEARS OF AGE ONLY IF THEY ARE ACCOMPANIED BY AN ADULT.  
18 3. A TOBACCO SPECIALTY STORE.  
19 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A PETTY OFFENSE.  
20 D. AS A MATTER OF STATEWIDE CONCERN, THIS SECTION SUPERSEDES AND  
21 PREEMPTS ALL RULES, REGULATIONS, CODES, ORDINANCES AND OTHER LAWS ADOPTED BY  
22 A CITY, COUNTY, MUNICIPALITY OR LOCAL AGENCY REGARDING THE STORAGE AND  
23 DISPLAY OF TOBACCO PRODUCTS.  
24 E. FOR THE PURPOSES OF THIS SECTION:  
25 1. "TOBACCO SPECIALTY STORE" MEANS A BUSINESS THAT IS DEVOTED  
26 PRIMARILY TO THE SALE OF TOBACCO, TOBACCO PRODUCTS AND TOBACCO ACCESSORIES  
27 AND IN WHICH THE SALE OF OTHER PRODUCTS IS INCIDENTAL.  
28 2. "UNDER THE CONTROL" MEANS WITHIN THE REACH OF A CASHIER OR  
29 PROTECTED BY OTHER SECURITY, SURVEILLANCE OR DETECTION METHODS, INCLUDING  
30 ELECTRONIC SCANNERS.  
31 3. "WITHIN THE SIGHT" MEANS VISIBLE TO A CASHIER OR ANOTHER EMPLOYEE  
32 EITHER DIRECTLY OR BY USE OF MIRRORS OR MONITORS.